

EXHIBIT 14

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

L.E., by his next friends and parents,
SHELLEY ESQUIVEL and MARIO
ESQUIVEL,

Plaintiff,

v.

BILL LEE, et al.,

Defendants.

Case No. 3:21-cv-00835

Chief Judge Waverly D. Crenshaw Jr.
Magistrate Judge Alistair E. Newbern

**PLAINTIFF'S FIRST SET OF
INTERROGATORIES TO
DEFENDANTS PENNY SCHWINN,
TENNESSEE STATE BOARD OF
EDUCATION, SARA HEYBURN
MORRISON, and the INDIVIDUAL
MEMBERS OF THE TENNESSEE
STATE BOARD OF EDUCATION
(NOS. 1 - 8)**

RESPONSE OF THE TENNESSEE STATE BOARD OF EDUCATION

The Tennessee State Board of Education, its Executive Director, in her official capacity, and Members, in their official capacity, ("the Board") objects and responds to Plaintiff's First Set of Interrogatories as follows. The Board objects to the definition of "interscholastic sports" as overbroad because it (1) includes elementary schools and colleges, schools to which Tenn. Code Ann. § 49-6-310 does not apply, and (2) is not limited to public middle school or high school interscholastic athletic activities or events, to which Tenn. Code Ann. § 49-6-310 applies, because it also includes athletic competitions simply among students who attend public schools. Additionally, it objects to the use of masculine pronouns to refer to L.E. because the gender-classification of student athletes is at issue in this case. Accordingly, this response refers to Plaintiff without the use of pronouns.

The Board also objects to the definition of “Board Director” and “State Board” as overbroad and unduly burdensome to the extent it would require a response by each Board employee to the interrogatories below. In addition to the Executive Director and Board Member Defendants, the following persons have been identified as persons who may have information relevant to this lawsuit: Nathan James, Deputy Executive Director for Legislative and External Affairs; Amy Owen, Deputy Executive Director of Policy and Research; and Angela Sanders, General Counsel. The Executive Director, Board Member Defendants, and above-named officials respond to the information available to them as provided by Fed. R. Civ. P. 33.

INTERROGATORY NO. 1: Identify all PERSONS who provided information in preparation of YOUR Answer to the Complaint, and for each such PERSON, state the following:

- (a) Their name, address, and telephone number;
- (b) Their relationship to YOU and/or L.E.; and
- (c) A detailed description of such information.

RESPONSE:

Angela Sanders, General Counsel, 500 James Robertson Parkway, Nashville, Tennessee 37243, (615) 253-5707. The Board objects to providing a detailed description of such information to the extent it is privileged as attorney-client communication or attorney-work product. Notwithstanding that objection, Ms. Sanders provided information as to the allegations about the Board.

INTERROGATORY NO. 2: Identify all COMMUNICATIONS, including but not limited to, any complaints or concerns YOU have received from students, teachers, parents, school officials, or school coaches, CONCERNING students who are transgender participating in INTERSCHOLASTIC SPORTS in Tennessee.

RESPONSE: In compliance with Fed. R. Civ. P. 33, the Board responds with information available; because the Board helps administer education statewide, it is not a party or person likely to have available information as to particular students. General Counsel Angela Sanders received a phone call from Kenneth Walker, General Counsel, Shelby County Schools on July 7, 2021.

INTERROGATORY NO. 3: Identify the number of students who are transgender that YOU are aware of who play or have played INTERSCHOLASTIC SPORTS in Tennessee, and for each student, please specify the sport(s) played by the student and, if applicable, the current grade of that student.

RESPONSE: In compliance with Fed. R. Civ. P. 33, the Board responds with information available; because the Board helps administer education statewide, it is not a party or person likely to have available information as to particular students. The Board does not know the identity of transgender students except for Plaintiff L.E.

INTERROGATORY NO. 4: Identify all students who participated in or are participating in INTERSCHOLASTIC SPORTS in Tennessee who have been denied the opportunity to advance in their respective sports, including by obtaining college scholarships, as a result of students who are transgender participating on sports teams.

RESPONSE: In compliance with Fed. R. Civ. P. 33, the Board responds with information available; because the Board helps administer education statewide, it is not a party or person likely to have available information as to particular students. The Board does not know the identity of those students.

INTERROGATORY NO. 5: Identify all PERSONS responsible for promulgating POLICIES or rules to implement S.B. 228.

RESPONSE:

The entities governing the public schools are responsible for adopting policies.

INTERROGATORY NO. 6: Identify all the governmental interests advanced by S.B. 228 and how they are advanced by S.B. 228.

RESPONSE:

The Board objects that this interrogatory seeks legal determinations and to the extent it seeks information privileged by attorney-work product. Notwithstanding these objections and subject to them, the legislature provided some governmental interests in the whereas clauses of Senate Bill 228 and those interests are advanced by safe and orderly participation in interscholastic athletic activity as provided for in the law.

INTERROGATORY NO. 7: Identify all steps YOU have taken to develop POLICIES CONCERNING the implementation and enforcement of S.B. 228, including rulemaking.

RESPONSE:

None.

INTERROGATORY NO. 8: Describe any impacts the participation of students who are transgender in INTERSCHOLASTIC SPORTS has or had on cisgender students, including the opportunities for cisgender students to participate in school sports, advance in their respective sports, obtain college scholarships, and the safety of cisgender students who participate in INTERSCHOLASTIC SPORTS.

RESPONSE: In compliance with Fed. R. Civ. P. 33, the Board responds with information available; because the Board helps administer education statewide, it is not a party or person likely to have available information as to particular students. The Board will rely on experts and disclose them pursuant to Fed. R. Civ. P. 26 and the case management order entered in this lawsuit.

Respectfully Submitted,

HERBERT H. SLATERY III
Attorney General and Reporter

s/ Stephanie A. Bergmeyer

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*Attorney for Governor Lee, Commissioner
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Education, in their official capacities, and
the Tennessee State Board of Education*

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of this Response has been served by agreement through e-mail on May 13, 2022, to:

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